

The following is an Adobe Acrobat reproduction of the official

**Notice of Intent to Delete
Hayes-Sammons Warehouse**

from the

Texas Superfund Registry

as published in the

Texas Register

(24 TexReg 7963-7964)

on

September 17, 1999

**A portion of the records for this site, including documents
pertinent to the TNRCC determination to delete, is
available for viewing with the site repository records**

at

Speer Memorial Library

801 E. 12th Street

Mission, Texas

and/or

TNRCC Records Management Center

Austin, Texas

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An order was entered regarding NAUSHAD VIRANI AND AL HADI, Docket No. 1999-0240-PST-E; Facility ID No. 20784; Enforcement ID No. 13450 on August 25, 1999.

Information concerning any aspect of this order may be obtained by contacting Laura Kohansov, Staff Attorney at (512) 239-2029 or Sushil Modak, Enforcement Coordinator at (512) 239-2142, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An order was entered regarding GARY VAN CUNNINGHAM, Docket No. 1998-0484-IWD-E on August 31, 1999 assessing \$5,575 in administrative penalties and fees.

Information concerning any aspect of this order may be obtained by contacting William Pupilamp, Staff Attorney at (512) 239-0677, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An order was entered regarding JERRY ROBERTS DBA ROBERTS GROCERY AND STATION, Docket No. 1998-0608-PST-E on August 31, 1999 assessing \$6,000 in administrative penalties with \$5,500 deferred.

Information concerning any aspect of this order may be obtained by contacting William Pupilamp, Staff Attorney at (512) 239-0677 or Gloria Stanford, Enforcement Coordinator at (512) 239-1871, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-9905753

LaDonna Castañuela

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: September 7, 1999



Notice of Application for Solid Waste Management Facility Permit

For The Period of August 31, 1999 to September 7,

TRINITY WASTE SERVICES, 580 Huffines, Lewisville, Texas, 75056, has applied to the Texas Natural Resource Conservation Commission (TNRCC) for a permit (Proposed Permit No. MSW-2275) to authorize a new Type V Municipal Solid Waste Transfer Station facility. The 7.9 acre site is located on Elliott Reeder Road, approximately 0.55 miles southeast of the intersection of Carson street and state Highway 121 in Fort Worth, Texas. The proposed site covers approximately 7.9 acres and is estimated to receive 3,000 tons of waste per day. If the permit is granted, the applicant would be authorized to transfer 3,000 tons per day of municipal solid waste and recycle up to approximately 20 tons per hour of old corrugated cardboard material. The facility would be authorized to operate 24 hours per day seven days per week.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TNRCC, P.O. Box 13087, Austin, TX 78711-3087. A public meeting is intended for taking public comment, and is not a contested case hearing. A public meeting will be held when there is a significant degree of public interest in the application.

For information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TNRCC can be found at our web site at www.tnrcc.state.tx.us.

TRD-9905751

LaDonna Castañuela

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: September 7, 1999



Notice of Intent to Delete Hayes-Sammons Warehouse State Superfund Site from the State Superfund Registry

The executive director of the Texas Natural Resource Conservation Commission (TNRCC or commission) is issuing a public notice of intent to delete (delist) the Hayes-Sammons Warehouse state Superfund site from the state registry (state Superfund list) of sites which may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment.

The Hayes-Sammons site was originally proposed for listing on the state Superfund registry on January 16, 1987 (12TexReg 205). The site is located at East Eighth street and Miller Avenue in Mission, Hidalgo County, Texas. The site covers approximately one city block (2.5 acres) and consists of three parcels of land owned by separate parties.

The Hayes-Sammons site was used for industrial purposes until approximately 1968. Documented use of the property for pesticide storage dates back to about 1945. Two warehouses were built on the property and used by the Hayes-Sammons Chemical Company and its successor companies for pesticide storage from 1945 to 1968. Since then, the warehouses have been used for storage of personal items by one of the property owners.

In 1995, a remedial investigation was conducted to define general site characteristics and determine the nature and extent of contaminants present at the site. Results of the field investigation and laboratory analyses showed that the primary soil contaminants encountered at the site are organochlorine pesticides and arsenic. The contamination was generally confined to the upper two feet of soils near the brick and sheet metal warehouse structures on the site. The site investigation detected no contamination in the ground water.

A Baseline Risk Assessment Report evaluated the risks from exposure to the contaminants at the site. The risk assessment used information from the remedial investigation and standard toxicological exposure assumptions that included the ingestion of contaminated soil, dermal contact with contaminated soil, and inhalation of contaminated soil. This information was used to estimate the potential for adverse effects on human health and the environment for both current and potential future exposure. The current receptors who were potentially exposed to contaminants at the site include off-site workers and on-site trespassers. All of the exposure scenarios produced a calculated potential risk exceeding acceptable levels.

The TNRCC conducted a remedial action in accordance with a Administrative Order and responsible parties. The remedial action included excavation and removal of contaminated soils, demolition and disposal of three storage buildings, and plugging and abandonment of seven monitoring wells. All removed materials were transported off-site to a permitted disposal facility and all excavated areas were backfilled, graded, and hydro-mulched to provide a vegetative cover. On October 1, 1998, a final inspection confirmed that all remedial action activities instituted under the Administrative Order were completed.

Contaminants and waste deposited at the site have been remediated to meet non-residential (i.e., industrial/commercial) soil criteria in accordance with a plan designed to meet the requirements of 30

Texas Administrative Code (TAC) §335.561, Risk Reduction Standard Number 3, this regulation mandates that the remedy be designed to eliminate or reduce, to the maximum extent practicable, substantial present or future risk. In accordance with risk reduction standards applicable at the time of this filing, industrial use is considered an appropriate future use of the property.

The executive director has determined that the site no longer presents an imminent and substantial endangerment to public health and safety and the environment and is therefore eligible for deletion from the list of sites proposed for the state Superfund registry as specified at 30 TAC §335.344(c).

In accordance with 30 TAC §335.344(b), the commission will hold a public meeting if requested to do so by the public to receive comment on this intended deletion. This meeting is not a contested case hearing within the meaning of Texas Government Code, Chapter 2001. 30 TAC §335.344 (b) states that a meeting shall be held by request of the executive director or by requests filed with the executive director. Since the executive director does not intend to initiate a public meeting, the commission will not hold a public meeting unless the executive director receives a request for one before 5:00 p.m., October 18, 1999. If a public meeting is requested, notice shall be provided by first class mail to all Potentially Responsible Parties and other interested persons, and by publication in a newspaper of general circulation in the Hidalgo county, at least 30 days before the date set for the meeting. The person submitting the request must bear the cost of the publication of the notice.

If a public meeting challenging this determination of eligibility for deletion by the executive director is not requested by a Potentially Responsible Party or any interested person(s) before the designated date, the Hayes- Sammons Warehouse state Superfund site will be deleted from the state Superfund list.

All inquiries regarding the Hayes-Sammons Warehouse state Superfund site or requests for a public meeting should be directed to Alvie Nichols, TNRCC Project Manager, Remediation Division. MC-143, P. O. Box 13087, Austin, TX 78711-3087; telephone (800) 633-9363 (calls within Texas only) or (512) 239-2439. A portion of the record for the site, including documents pertinent to the executive director's determination, is available for review during regular business hours at the Speer Memorial Library, 801 E. 12th Street, Mission, Texas (956) 580-8755. The complete public file may be obtained during regular business hours at the commission's Records Management Center, Building D, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753, telephone (800) 633-9363 (calls within Texas only) or (512) 239-2920. Photocopying of file information is subject to payment of a fee.

TRD-9905556

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: September 1, 1999



Notices of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC or commission) Staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) pursuant to Texas Water Code (the Code), §7.075, which requires that the TNRCC may not approve these AOs unless the public has been provided an opportunity to submit written comments. Section 7.075 requires that notice of

the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **October 17, 1999**. Section 7.075 also requires that the TNRCC promptly consider any written comments received and that the TNRCC may withhold approval of an AO if a comment discloses facts or considerations that indicate the proposed AO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Code, the Texas Health and Safety Code (THSC), and/or the Texas Clean Air Act (the Act). Additional notice is not required if changes to an AO are made in response to written comments.

A copy of each of the proposed AOs is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-1864 and at the applicable Regional Office listed as follows. Written comments about these AOs should be sent to the enforcement coordinator designated for each AO at the TNRCC's Central Office at P.O. Box 13087, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on October 17, 1999**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The TNRCC enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, §7.075 provides that comments on the AOs should be submitted to the TNRCC in **writing**.

(1)COMPANY: Bauke Mulder dba B&A Dairy; DOCKET NUMBER: 1999-0595-AGR-E; IDENTIFIER: Enforcement Identification (ID) Number12380; LOCATION: Hico, Hamilton County, Texas; TYPE OF FACILITY: dairy; RULE VIOLATED: 30 TAC §321.31 and the Code, §26.121, by allowing an unauthorized discharge of wastewater and by failing to submit an administratively complete permit application; PENALTY: \$4,375; ENFORCEMENT COORDINATOR: Sherry Smith, (512) 239-0572; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(2)COMPANY: Donnie Barnum; DOCKET NUMBER: 1999-0395-OSS-E; IDENTIFIER: On- Site Sewage Installer Registration Number 1137; LOCATION: Brady, McCulloch County, Texas; TYPE OF FACILITY: on-site sewage; RULE VIOLATED: 30 TAC §285.58(a)(6), by failing to install an on-site sewage facility that met the minimum standards; PENALTY: \$100; ENFORCEMENT COORDINATOR: Pam Campbell, (512) 239-4493; REGIONAL OFFICE: 301 West Beauregard Avenue, Suite 202, San Angelo, Texas 76903-6326, (915) 655-9479.

(3)COMPANY: City of Booker; DOCKET NUMBER: 1998-1347-MSW-E; IDENTIFIER: Municipal Solid Waste Permit Number 1943; LOCATION: Booker, Lipscomb County, Texas; TYPE OF FACILITY: municipal solid waste landfill; RULE VIOLATED: 30 TAC §330.4, by failing to submit Subtitle D upgrade documentation by required deadline; and 30 TAC §330.133, by failing to cover the active portion of the landfill daily; PENALTY: \$1,600; ENFORCEMENT COORDINATOR: Jimmy Walker, (806) 353-9251; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(4)COMPANY: Calabrian Chemicals Corporation; DOCKET NUMBER: 1998-1469-MLM-E; IDENTIFIER: Solid Waste Registration Number 30446, Air Account Number JE-0081-O, and Permit Number 01857; LOCATION: Port Neches, Jefferson County, Texas; TYPE OF FACILITY: chemical manufacturing; RULE VIOLATED: 30 TAC §335.4 and the Code, §26.121, by allowing discharges from the cuprous chloride unit and a discharge of hazardous waste from a rolloff box; 30 TAC §335.6(c), by failing to update the notice of